

REMARKS

Claims 18-40 are pending in the application and presented for examination; claims 18-29 have been rejected under 35 U.S.C. 102(b) as anticipated by Duffy (PCT Patent Publication 01/06740); claims 30-40 have been rejected under 35 U.S.C. 103(a) as unpatentable over Duffy. Applicants respectfully request reconsideration and allowance of the present application in view of the following remarks.

Response To Rejections Under Section 35 U.S.C. 102(b):

Claims 18 -27

Independent claim 18 has not been amended from the version supplied in the Response Under 37 CFR 1.111 filed on 23 May 2008, which is identical to the version supplied in the Preliminary Amendment filed on 18 July 2006. In the final Office Action, the Examiner has alleged that cited portions of the Duffy reference disclose certain elements of the present claims. However, the Applicants respectfully disagree with the Examiner. The Duffy reference does not disclose the channel send-receive unit that sends signaling data to and receives signaling data from a circuit-switched exchange. The Duffy section cited, page 3 lines 1-18 and Figure 1, do not mention signaling data but instead discuss generally the gateway that connects the WAN IP network and the PSTN.

The cited section of Duffy (page 10, lines 1-6) does not disclose the data insertion-extraction unit and its functionality of inserting and extracting signaling data into data packets. In contrast to the Applicant's claim language, this section of Duffy refers to "hardware and software that handles the conversion between the voice data in the format required for the station/trunk driver 113 telephony interface and the IP packet format required by the WAN IP network 1."

With regard to the Applicants' claimed operating mode switchover unit and the conditions under which signaling data is processed, the Examiner refers to Duffy page 3 lines 12-18. Although the Duffy reference relates generally to rerouting a call from the WAN IP network to the PSTN if the quality of the telephone call falls below a predetermined quality level, Duffy again fails to refer to signaling data during this switchover. In particular, Duffy fails to disclose

the claim element, "wherein the signaling data is not processed by the adapter unit during the normal operating mode."

Admittedly the Duffy reference and the Applicants' invention share some common elements, including the placing of a telephone call over a WAN IP network or the PSTN. But the similarity ends at this abstract level of disclosure, as the Duffy reference does not disclose several of the elements present in claim 18 as discussed above.

For all of these reasons the Examiner is requested to allow claim 18.

Regarding claims 19-27 depending from claim 18, these claims are believed to be in allowable condition for at least the same reasons that claim 18 is allowable and further each claim sets forth additional elements that further distinguish the claim.

Claims 28 and 29

The rejection of method independent claim 28 is similarly deficient in that certain elements of the claim do not appear in the Duffy reference. In the rejection of claim 28 the Examiner cites the same Duffy material as cited in the rejection of claim 18. The cited material from Duffy does not disclose at least the normal operating mode comprising the steps of tunneling the received signaling data and processing the tunneled signaling data.

Thus claim 28 is believed to be allowable over the cited Duffy reference.

Dependent claim 29 is believed to be in allowable condition for the same reasons as claim 28 from which it depends.

Response To Rejections Under 35 U.S.C. 103(a):

Claims 30-40 have also been rejected under Section 103(a) over the Duffy reference.

Claims 30-37

Claims 30-37 depend directly or indirectly from claim 28 discussed above. Claims 30-37 are believed to be in allowable condition for the same reasons as claim 28 from which each depends. Claims 30-36 claim additional features of the emergency mode claimed in claim 28; these features are not present in the cited Duffy text.

Claims 38-40

Claim 38 is an independent claim with claims 39 and 40 depending therefrom.

In rejecting claim 38, the Examiner has referred to the rejection of independent claims 18 and 28 and noted that the rejection of those claims does not disclose the steps of "detecting a reactivation of the data packet transfer network or of the first telecommunication system, and automatically switching over into a normal operating mode after the detection of the reactivation." The Examiner "take an office notice that it is notoriously well known to switched [sic] back to normal operating mode after reactivate or restored."

But claim 38 includes several elements beyond the exceptions noted by the Examiner. In particular, the step of providing the normal operating mode includes four sub-steps and the step of providing the emergency operating mode includes seven sub-steps. Many of these sub-steps are not disclosed in the cited portions of the Duffy reference. For example, the normal operating mode sub-steps of tunneling the first signal data and processing the circuit-switched-signaling protocol are not disclosed in the cited Duffy material.

Dependent claims 39 and 40 are believed to be allowable for the same reasons as claim 38 from which they depend.

CONCLUSION

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16(c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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